REMARKS/ARGUMENTS

The Examiner has requested restriction under 35 U.S.C. 121 to one of the following inventions:

I. Claims 1-10, drawn to a siloxane resin composition, classified in class 528, subclass 12+.

II. Claims 11-14, drawn to a method of forming an insoluble porous resin, classified in class 521, subclass 50+.

III. Claims 15-19, drawn to a method of forming an insoluble porous coating on a substrate, classified in class 427, subclass 387.

IV. Claim 20, drawn to a porous coating, classified in class 428, subclass 304+

Applicant hereby confirms the election of Group I, claims 1-10 with traverse, for further prosecution. The Examiner has not provided any real evidence to support that the inventions of the groups above have acquired separate status in the art because of their divergent subject matter and thus making the restriction requirement proper. The Examiner has only speculated to such without any evidence or foundation for such evidence.

The Applicant respectfully requests that the examiner withdraw the restriction requirement and allow all claims to be prosecuted. In the alternative, Applicant requests that claims 11-20 be withdrawn from consideration but rejoined upon finding claims 1-10 allowable.

In paragraph 10 of the office action the Examiner has advised applicant that if claim 9 should be found allowable, claim 10 would be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Applicant has cancelled claim 10.

The Examiner has rejected Claims 1-5 and 7-8 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5 and 7-8 of U.S. Patent No. 6,596,404. Applicants have submitted herewith a terminal disclaimer under 37 CFR 1.321(c). Applicants believe that this terminal disclaimer overcomes this rejection. Additionally, at the time that the invention was made, this application was commonly owned with U.S. Patent No. 6,596,404. Dow Corning Corporation owns 100% of subsidiaries Dow Corning Asia, Ltd. and Dow Corning S.A. (see MPEP 706.02(I)(2)).

The Examiner has objected to claims 9 and 10 due to the following informalities: should "(c)" be "(b)"? Applicants have amended claims 9 and 10 respectfully request that the Examiner withdraw this objection.

The Examiner has indicated that claims 1 and 5 would be allowable if rewritten to overcome the double patenting rejection set forth in the Office Action. Applicant believes that the terminal disclaimer submitted herein overcomes the double patenting rejection and that no further amendments to claims 1 and 5 are necessary.

The Examiner has indicated that claims 2-4 and 7-10 would be allowable if rewritten to overcome the double patenting rejection, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. Applicant believes that the terminal disclaimer submitted herein overcomes the double patenting rejection and that no further amendments to claims 2-4 and 7-10 are necessary.

The Examiner has objected to claim 6 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant believes that the terminal disclaimer submitted herein overcomes the double patenting rejection and that no further amendments to claim 6 is necessary.

Applicant believes that the instant invention is novel and unobvious. Applicant respectfully requests that the Examiner withdraw the rejections and allow the claims to issue.

The present response is being submitted within the three-month period of time for response to the outstanding office action. Applicant believes that no extension of time is necessary however, in the event that such an extension is necessary, you are authorized to charge deposit account number 04-1520 any fees necessary to maintain the pendency of the present application.

Respectfully Submitted,
DOW CORNING CORPORATION

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